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December 23, 2014

VIA ECF & Regular Mail

Honorable Jerome B. Simandle, Chief Judge
United States District Court
for the District of New Jersey
Mitchell H. Cohen U.S. Courthouse
1 John F. Gerry Plaza, Room 6010
Fourth & Cooper Streets
Camden, New Jersey 08101

RE: MDL Number 2540
Master Docket No. 1:14-cv-03722 (JBS-JS)

Dear Judge Simandle:

We represent defendant Caterpillar Inc. in this MDL matter. I write to withdraw without prejudice the pending motions filed by Caterpillar in connection with the Consolidated Amended Complaint ("CAC"). In light of the order by Magistrate Judge Schneider granting plaintiffs' motion to file an Amended Consolidated Class Action Complaint [Docket No. 99], the motions Caterpillar filed in connection with the CAC are now moot. Accordingly, Caterpillar withdraws the following motions without prejudice:

Docket Nos. 56-59: motions to exclude expert testimony

Docket No. 61: motion for summary judgment

Docket No. 62: motion to dismiss

We presume that plaintiffs' motion for class certification regarding the CAC [Docket No. 24] is also moot and off the docket in light of Magistrate Judge Schneider's order.

Respectfully submitted,

/S/James H. Keale
James H. Keale
SEDGWICK LLP

JHK/kbc

cc: Magistrate Judge Schneider
All counsel of record by ECF